



PATENT
ATTORNEY DOCKET NO. 041465-5086

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Manabu NOHARA et al.) Confirmation No.: 2565
Application No.: 09/658,877) Group Art Unit: 2664
Filed: September 8, 2000) Examiner: Mew, Kevin D.
For: COMMUNICATING APPARATUS)
AND COMMUNICATING METHOD)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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MAY 21 2004

Technology Center 2600

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment responding to the Office Action dated December 18, 2003 (Paper No. 4).
2. Additional papers enclosed:

Drawings: Formal Informal (Correction)
 Information Disclosure Statement
 Form PTO-1449, _____ references included
 Citations
 Declaration of Biological Deposit
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
[] one month	\$ 110.00	\$ 55.00
[X] two months	\$ 420.00	\$210.00
[] three months	\$ 950.00	\$475.00
[] four months	\$1,480.00	\$740.00

Extension of time fee due with this request: \$ 420.00

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	4	minus	20	0	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$86 each=	+ \$ 0.00
[] First presentation of Multiple dependent claim(s)					\$290.00	+ \$
SUB-TOTAL =						\$ 0.00
Reduction by 1/2 for filing by a small entity						- \$
TOTAL FEE =						\$ 0.00

6. Fee Payment

No fee is to be paid at this time.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-0310 in the amount of \$420.00 for the two-month extension of time fee.

The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Paul A. Fournier

Reg. No. 41,023

Dated: May 17, 2004

By:

CUSTOMER NO. 009629

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